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Ervin Hearings

Spying Surface 'Just Scratched'

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The Virginian-Pilot Washington Bureau

WASHINGTON—Sen. Sam J. Ervin Jr. believes that the four weeks of hearings he held on government prying barely scratched the surface on the "prevalence" of the Army's spying on civilians.

The hearings ended last Wednesday in something of an impasse, with the Defense Department admitting that Army intelligence spied on countless civilians during the 1960s, but refusing to allow top-ranking intelligence officers to elaborate on the surveillance.

Ervin, assessing the impact of the hearings in an interview Friday, said that he still hopes that the Army will "make a clean breast" of the extent of its dossier-gathering, if only to protect its own image.

But even if the Army remains adamant, Ervin said, "the hearings have been very successful."

They have, he declared, not only revealed Army spying, "but have shown the very strange attitude of the Department of Justice that it has the right to spy on any citizen. That is an idea that can't be tolerated in a free society."

The North Carolina senator said that he now will work for legislation to "keep the government from asking questions that are none of the government's business," to keep the Army out of domestic surveillance, and to protect the privacy of legitimate data collected by government and industry.

He agrees with proposals for a watchdog agency to guard against abuse of information collection, "If we can work out something simple. I don't like the idea of another bureaucracy to

watch the bureaucracies we have."

Ervin said that Justice Department witnesses disclaimed any responsibility for spying by the Army—though ex-Army intelligence agents testified that much of the information they gathered was turned over to the FBI and CIA.

Asst. Atty. Gen. Robert Mardian

also said that FBI Director J. Edgar Hoover's men operate under their own rules of intelligence-gathering, with no precise guidelines from the department.

He said that he would have to "clear with the director" whether he could disclose those rules to Ervin's Constitutional Rights subcommittee.

But Ervin has no intention of calling Hoover to testify. "Joe Edgar Hoover is a very taciturn man ordinarily," said Ervin.

"We tried to get the secretary of Army and the military heads of the Army intelligence here, and they were conspicuous by their absence."

Ervin added, "I think the FBI as a rule has done a good job of keeping records confidential,"

though he said testimony did show an FBI agent leaked confidential information on San Francisco Mayor Joseph Alioto to two magazine reporters.

The senator said that the hearings clearly demonstrate "that we need legislation to make it certain the Army will never again be employed to act as a national police force, or to spy on people whose only offense is that they are exercising their constitutional rights of freedom of speech, freedom of assembly and freedom of association."

The Army was still Ervin's principal target as he summed up the monthlong hearings. He said that the Defense Department admitted to spying on 800 civilians in Illinois alone, and keeping a

central index file on one out of every eight American citizens.

"The Army sent down an 80-page statement that was very carefully worded so as not to disclose anything we didn't already know," he said. "We are left to guess what other surveillance of civilians was made by the Army."

Ervin said that it will be difficult to shape precise legislation to balance the right of privacy with the government's legitimate right to certain information and "the interest of the public to know what's going on in government."

But something must be done, he said, "so that people may be let alone in their innermost private affairs."